



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Thomasenia P. Duncan
General Counsel

Ann Marie Terzaken
Associate General Counsel for Enforcement

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BY: Mark Shonkwiler *MS*
Assistant General Counsel

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Attorney

SUBJECT: MUR 5408 (Sharpton 2004/National Action Network/Rev. Al Sharpton)
Recommendation to Accept Pre-Probable Cause Conciliation Agreements

Attached are two signed pre-probable cause conciliation agreements that resolve all violations for which the Commission has made findings in the above-referenced matter. The agreements require the payment of a combined \$285,000 in civil penalties [redacted]

The first agreement, with Rev. Alfred C. Sharpton and Sharpton 2004 and Andrew Rivera, in his official capacity as Treasurer, (f/k/a Rev. Al Sharpton Presidential Exploratory Committee) (the "Committee" or "Sharpton 2004") resolves violations of 2 U.S.C. §§ 434(b), 441a(f) and 441b and requires the payment of a civil penalty of \$208,000 [redacted]

[redacted] and also requires the Committee to refund or disgorge the impermissible contributions it received. See Attachment 1. [redacted]

[redacted] the revised agreement sets forth a payment schedule that requires Respondents to pay an initial installment of \$35,000 within 90 days of the effective date of the agreement, a second installment of \$105,000

on or before August 1, 2009, and a final installment of \$68,000 on or before October 1, 2009. Respondents have 90 days from the date that the agreement becomes effective to comply with the non-financial obligations such as amending disclosure reports.

The second agreement, with National Action Network, Inc. ("NAN") and Rev. Alfred C. Sharpton, as President, resolves violations of 2 U.S.C. § 441b for making prohibited corporate contributions to Sharpton 2004 and requires the payment of a civil penalty of \$77,000 [REDACTED]

[REDACTED] the revised version of the NAN agreement extends the time for Respondents to pay the civil penalty until May 1, 2009.

We [REDACTED]
recommend that the Commission accept the attached conciliation agreements.

RECOMMENDATIONS:

1. Accept the attached conciliation agreement with Rev. Alfred C. Sharpton, Sharpton 2004 and Andrew Rivcra, in his official capacity as Treasurer;
2. Accept the attached conciliation agreement with National Action Network and Rev. Alfred C. Sharpton, as President.
3. Approve the appropriate letters; and
4. Close the file.